

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION

CLERK'S OFFICE U.S. DIST. COURT
AT LYNCHBURG, VA
FILED

MAR 21 2006

JOHN F. CORCORAN, CLERK
BY: *Fay Coleman*
DEPUTY CLERK

UNITED STATES OF AMERICA

Plaintiff,

v.

JUNE RACHEL GARCIA,

Defendant.

CRIM. NO. 6:05CR00006-005

ORDER AND OPINION

JUDGE NORMAN K. MOON

The Court has before it the Defendant's Motion to Dismiss, filed on March 17, 2006. The Defendant states that she is entitled to dismissal because she has not waived her right to a speedy trial and the trial did not begin within the time required by law.

18 U.S.C. § 3161 *et.seq.* governs a defendant's right to a speedy trial. This section also provides that certain periods of time are excluded in computing the time within which the trial must commence. Among these are the period of delay resulting from a judge's grant of a continuance, where the judge based the continuance on findings that the ends of justice served by the continuance outweigh the best interest of the public and the defendant in a speedy trial. § 3161(h)(8)(A). In addition, in cases involving several defendants, the time excludable for one defendant is excludable for all. 18 U.S.C. § 3161(h)(7); *U.S. v. Jarrell*, 147 F.3d 315, 316 (4th Cir. 1989).

Here, the Court granted a continuance based on the findings required by statute on April 5, 2005. The Order of April 5, 2005 found that the ends of justice served by the continuance

outweighed the best interest of the public and the defendant in a speedy trial, and continued the case for all defendants, including Defendant June Rachel Garcia, until a time to be set by the Court. The case was later set for trial on March 20-22, 2006, and the Order of October 3, 2005 continued the speedy trial time for all defendants until March 20, 2006. The fact that Garcia failed to sign a speedy trial waiver does not require dismissal, given these circumstances. Hence, the Defendant's Motion is hereby DENIED.

It is so ORDERED.

The Clerk of the Court is directed to send a certified copy of this Order to all counsel of record.

ENTERED: *Nann E. Moore*

U.S. District Judge

March 21, 2006

Date